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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

LEUPOLD & STEVENS, INC.,

Plaintiff,

v.

LIGHTFORCE USA, INC. d/b/a

NIGHTFORCE OPTICS and

NIGHTFORCE USA,

Defendant.

Case No.: 3:16-cv-01570-HZ

UNOPPOSED MOTION FOR  
EXTENSION OF CASE DEADLINES

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**LOCAL RULE 7-1(a) CERTIFICATION**

Defendant Lightforce USA, INC. (d/b/a Nightforce Optics and Nightforce USA) was served with the Complaint and Summons on October 25, 2016, and has not yet appeared through

counsel in this action. In an effort to comply with the full spirit of Local Rule 7-1(a), counsel for Plaintiff Leupold & Stevens, Inc. conferred by telephone on October 26, 2016 with David A. Casimir, Ph.D., Esq. of Casimir Jones, S.C. (based in Middleton, Wisconsin), who has represented Defendant in ongoing settlement discussions relating to this matter, and who Plaintiff understands will plan to represent Defendant *as pro hac vice* counsel in this matter, after an appropriate appearance and motion by Oregon counsel (as yet unknown to Plaintiff). Dr. Casimir indicated that Defendant does not oppose this motion.

### **MOTION TO EXTEND CASE DEADLINES**

Defendant Lightforce USA, INC. (“Lightforce”) was served with the Complaint and Summons in this action on October 25, 2016, within the time for service permitted pursuant to Fed.R.Civ.P. 4(m), and has not yet appeared or responded to the Complaint. As such, the parties have not yet held a Rule 26(f) conference and the Court has not yet held any Rule 16 scheduling conference. Nonetheless, the case deadlines automatically set in the August 3, 2016 Discovery and Pretrial Scheduling Order (attached to Dkt. 4) have discovery closing in just over 30 days, which would make it impossible for the parties to take discovery after Defendant appears in this action and before the time to serve written discovery request expires.

Plaintiff hereby moves to extend all discovery and pretrial deadlines set in the “Discovery and Pretrial Scheduling Order” attached to the Notice of Case Assignment (Dkt. 4) by 90 days, as shown below. This extension will not accommodate all discovery needed in this patent infringement action, but will allow the parties time to proceed with discovery planning and to file a proposed discovery plan and case schedule without having case deadlines expire before they can do so.

<b>Event</b>	<b>Deadline Set in Initial Discovery and Pretrial Scheduling Order</b>	<b>Proposed Deadline</b> (Pending Discovery Planning Conference and Complete Proposed Case Schedule)
Discovery to be completed, file all amendments to pleadings, join all claims, remedies, and parties, and confer as to ADR	December 1, 2016	March 1, 2017
Joint ADR Report	January 3, 2016	April 3, 2017
Pretrial Order	January 3, 2017	April 3, 2017

Good cause exists for the requested extension, which is necessary to allow Lightforce time to retain Oregon counsel and appear in this action and the parties time to plan for discovery and submit a complete proposed case schedule to the Court prior to the expiration of any Court deadlines.

In addition, the parties have been and remain engaged in ongoing settlement discussions, and the additional time allowed by the requested extension prior to commencing discovery will also allow the parties to continue those discussions.

There have been no previous extensions of any deadline in this case.

DATED: October 26, 2016

STOEL RIVES LLP

/s/ Nathan C. Brunette

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Attorneys for Plaintiff, Leupold & Stevens,  
Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **UNOPPOSED MOTION FOR  
EXTENSION OF CASE DEADLINES** on the following named person on the date indicated  
below by

- ☒ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☒ email
- ☐ notice of electronic filing using the CM/ECF system

to said person a true copy thereof, contained in a sealed envelope, addressed to said person at his  
last-known address indicated below.

David A. Casimir, Ph.D.  
Casimir Jones, S.C.  
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Middleton, WI 53562

[dacasimir@casimirjones.com](mailto:dacasimir@casimirjones.com)

Attorney for Defendant

DATED: October 26, 2016.

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